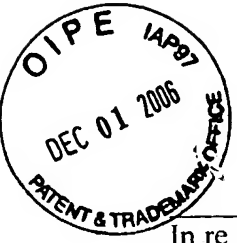


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hiroshi KAINUMA et al.

Application No.: 10/689,699

Confirmation No.: 4633

Filed: October 22, 2003

Art Unit: 3746

For: CONTROL VALVE FOR VARIABLE
CAPACITY COMPRESSOR

Examiner: Leonard J. Weinstein

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated November 7, 2006, Applicant hereby provisionally elect with traverse Species 1, Fig. 1, on which claims 1, 2, 4 and 5 are readable, for continued examination.

It is respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search or the subject matter of any one group of claims would necessarily encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP 803 which is stated that **"if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims that are distinct or independent inventions"** (emphasis added).

It is respectfully submitted that this policy should apply to the present application in order to avoid unnecessary delay and expense to Applicants and the duplicative examination by the Patent

Office. Please note that Applicant reserves the right to file divisional applications covering the subject matter of the non-elected claims.

It is respectfully submitted that this policy should apply to the present application in order to avoid unnecessary delay and expense to Applicants and the duplicative examination by the Patent Office.

Applicants reserve the right to file a divisional application or divisional applications for the non-elected species or species of rejoinder of the non-elected species into a single application does not occur.

Dated: December 1, 2006

Respectfully submitted,

By 

Carl Schaukowitz

Registration No.: 29,211

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